

Applicant : Peter Ebert
Serial No. : 10/691,971
Filed : October 24, 2003
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Attorney's Docket No.: 13909-123001 / 2003P00145
US

As a result, Applicant submits that the Examiner has not met the burden to suggest an example of separate utility and therefore restriction is not proper.

Additionally, the office action merely points to certain claims as combination and subcombination without providing any substantive analysis of how one claim is properly interpreted as a subcombination of the other combination claim. MPEP § 806.05(c) requires specific support when making a restriction requirement.

For at least the reasons that the independent claims are not properly comparable as combination and subcombination, and because the rejection provides no substantive basis for restriction, Applicant submits that the restriction requirement is improper and requests withdrawal of the restriction requirement.

Election of Species

In response to the election of species requirement, Applicant submits that this requirement is not proper. More specifically, Applicant submits that Figures 1-5 are clearly not directed to five different embodiments of the invention. The Description of Drawings section on page 4 of Applicant's specification supports this assertion. Applicant also notes that MPEP § 806.04(e) defines "species" to mean "specifically different embodiments". A review of Figures 1-5 shows that all of the figures collectively serve to disclose all of the features of the invention, but are clearly not directed to five specifically different embodiments. Applicant is not aware of any rule that requires all of the features of the invention to be shown in a single Figure. Thus, the various features of the invention are shown throughout the Figures in order to facilitate a better technical understanding of the scope of the invention and its allowable variation.

For at least this reason Applicant requests withdrawal of the election requirement.

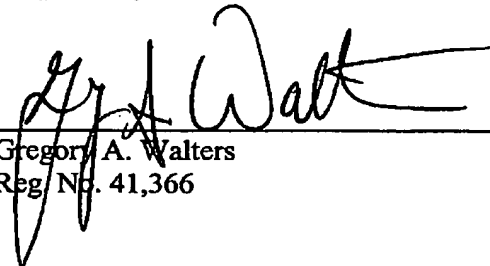
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Respectfully submitted,

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